

108TH CONGRESS
1ST SESSION

H. R. 1800

To end the use of conventional steel-jawed leghold traps on animals in
the United States.

IN THE HOUSE OF REPRESENTATIVES

APRIL 11, 2003

Mrs. LOWEY (for herself, Mr. SHAYS, Mr. ABERCROMBIE, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mrs. CAPPS, Mr. CLAY, Mr. CONYERS, Mr. COSTELLO, Mr. CROWLEY, Mr. DEFazio, Ms. DELAURO, Mr. DEUTSCH, Mr. DOYLE, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GOSS, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. HOLT, Mr. HONDA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KILDEE, Mr. KUCINICH, Mr. LANTOS, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. McDERMOTT, Mr. McNULTY, Mr. MEEHAN, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. PRICE of North Carolina, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Mr. STARK, Mrs. TAUSCHER, Mr. TOWNS, Mr. UDALL of Colorado, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, International Relations, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To end the use of conventional steel-jawed leghold traps
on animals in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DECLARATION OF POLICY.**

4 It is the policy of the United States to end the need-
5 less maiming and suffering inflicted upon animals through
6 the use of conventional steel-jawed leghold traps by pro-
7 hibiting the import or export of, and the shipment in inter-
8 state commerce of, such traps and of articles of fur from
9 animals that were trapped in such traps.

10 **SEC. 2. PROHIBITED ACTS AND PENALTIES.**

11 (a) PROHIBITED ACTS.—It shall be unlawful for any
12 person—

13 (1) to import, export, or transport in interstate
14 commerce an article of fur, if any part or portion of
15 such article is derived from an animal that was
16 trapped in a conventional steel-jawed leghold trap;

17 (2) to import, export, deliver, carry, or trans-
18 port by any means whatever, in interstate commerce,
19 any conventional steel-jawed leghold trap;

20 (3) to sell, receive, acquire, or purchase any
21 conventional steel-jawed leghold trap that was deliv-
22 ered, carried, or transported in violation of para-
23 graph (2); or

24 (4) to violate any rule made by the Secretary
25 under this Act.

1 (b) PENALTIES.—Whoever knowingly violates sub-
2 section (a) shall, in addition to any other penalty that may
3 be imposed—

4 (1) for the first such violation, be imprisoned
5 for not more than 5 days or fined under title 18,
6 United States Code, or both; and

7 (2) for each subsequent violation, be imprisoned
8 for not more than two years or fined under title 18,
9 United States Code, or both.

10 **SEC. 3. REWARDS.**

11 (a) GENERAL RULE.—The Secretary shall pay, to
12 any person who furnishes information which leads to a
13 conviction of a violation of any provision of this Act or
14 any rule made under this Act, an amount equal to one-
15 half of the fine paid pursuant to the conviction.

16 (b) EXCEPTION.—Any officer or employee of the
17 United States or of any State or local government who
18 furnishes information or renders service in the perform-
19 ance of his or her official duties is not eligible for payment
20 under this section.

21 **SEC. 4. ENFORCEMENT.**

22 (a) IN GENERAL.—Except with respect to violations
23 of this Act to which subsection (b) applies, this Act and
24 any rules made under this Act shall be enforced by the
25 Secretary, who may utilize by agreement, with or without

1 reimbursement, the personnel, services, and facilities of
2 any other Federal agency or any State agency for pur-
3 poses of enforcing this Act and such rules.

4 (b) IMPORT AND EXPORT VIOLATIONS.—

5 (1) IMPORT VIOLATIONS.—The importation of
6 articles in violation of section 2(a) shall be treated
7 as a violation of the customs laws of the United
8 States, and those provisions of law relating to viola-
9 tions of the customs laws of the United States shall
10 apply thereto.

11 (2) EXPORT VIOLATIONS.—The authorities
12 under the Export Administration Act of 1979 (50
13 U.S.C. App. 2401 et seq.) (including penalties) shall
14 be used to enforce the provisions of this Act relating
15 to the export of articles in violation of section 2(a).

16 (c) ENFORCEMENT AUTHORITIES.—Any person hav-
17 ing authority to enforce this Act (except with respect to
18 violations to which subsection (b) applies), may, in exer-
19 cising such authority—

20 (1) detain for inspection, search, and seize any
21 package, crate, or other container, including its con-
22 tents, and all accompanying documents, if such indi-
23 vidual has reasonable cause to suspect that in such
24 package, crate, or other container are articles with
25 respect to which a violation of this Act (except with

1 respect to a violation to which subsection (b) ap-
2 plies) has occurred, is occurring, or is about to
3 occur;

4 (2) make arrests without a warrant for any vio-
5 lation of this Act (except with respect to a violation
6 to which subsection (b) applies) committed in his or
7 her presence or view, or if the individual has prob-
8 able cause to believe that the person to be arrested
9 has committed or is committing such a violation;
10 and

11 (3) execute and serve any arrest warrant,
12 search warrant, or other warrant or criminal process
13 issued by any judge or magistrate of any court of
14 competent jurisdiction for enforcement of this Act
15 (except with respect to violations to which subsection
16 (b) applies).

17 (d) FORFEITURE.—

18 (1) GENERAL RULE.—Except with respect to
19 exports to which the provisions of the Export Ad-
20 ministration Act of 1979 (50 U.S.C. App. 2401 et
21 seq.) apply, and imports to which the customs laws
22 of the United States apply, pursuant to subsection
23 (b), any article of fur or conventional steel-jawed
24 leghold trap taken, possessed, sold, purchased, of-
25 fered for sale or purchase, imported, exported, trans-

ported, delivered, received, carried, or shipped in violation of this Act or any rule made under this Act, shall be subject to forfeiture to the United States.

Those provisions of law relating to—

(A) the seizure, summary and judicial forfeiture, and condemnation of property for violations of the customs laws of the United States,

(B) the disposition of such property or the proceeds from the sale thereof,

(C) the remission or mitigation of such forfeitures, and

(D) the compromise of claims,

shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this subsection, insofar as applicable and not inconsistent with this Act.

(2) ENFORCEMENT.—Such duties as are imposed upon the customs officer or any other person with respect to the seizure and forfeiture of property under the customs laws of the United States may be performed with respect to seizures and forfeitures of property under this subsection by the Secretary or such officers and employees as may be authorized or designated for that purpose by the Secretary, or, upon the request of the Secretary, by any other

1 agency that has authority to manage and dispose of
2 seized property.

3 (e) INJUNCTIONS.—The Attorney General of the
4 United States may seek to enjoin any person who is al-
5 leged to be in violation of this Act or any rule made under
6 this Act.

7 (f) COOPERATION.—The Secretary of Commerce, the
8 Secretary of the Treasury, and the head of any other de-
9 partment or agency with enforcement responsibilities
10 under this Act shall cooperate with the Secretary in ensur-
11 ing that this Act, and rules made under this Act, are en-
12 forced in the most effective and efficient manner.

13 **SEC. 5. DEFINITIONS.**

14 In this Act:

15 (1) The term “article of fur” means—

16 (A) any furskin (as such term is used
17 under headnote 1 of chapter 43 of the Har-
18 monized Tariff Schedule of the United States),
19 including any raw furskin classified under head-
20 ing 4301 of such Schedule; or

21 (B) any article, however produced, that
22 consists in whole or part of any such furskin.

23 (2) The term “conventional steel-jawed leghold
24 trap” means any spring-powered pan or sear-acti-
25 vated device with two opposing steel jaws, whether

1 the jaws are smooth, toothed, padded, or offset,
2 which is designed to capture an animal by snapping
3 closed upon the animal's limb or part thereof.

4 (3) The term "customs laws of the United
5 States" means any other law or regulation enforced
6 or administered by the United States Customs Serv-
7 ice.

8 (4) The term "import" means to land on, bring
9 into, or introduce into, any place subject to the ju-
10 risdiction of the United States, whether or not such
11 landing, bringing, or introduction constitutes an
12 entry into the customs territory of the United
13 States.

14 (5) The term "interstate commerce" has the
15 meaning given such term in section 10 of title 18,
16 United States Code.

17 (6) The term "Secretary" means the Secretary
18 of the Interior.

19 **SEC. 6. RULEMAKING.**

20 The Secretary may make rules to carry out this Act.

21 **SEC. 7. EFFECTIVE DATE.**

22 This Act shall take effect one year after the date of
23 its enactment.

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